

**REMARKS**

Claims 1-20 are currently pending. The amendments to the claims are supported in the specification as follows: Claim 1: (p.12, text line 19 to p.13, line 4; FIGS. 1-4) and Claims 3 and 8: (grammatical amendments). No new matter has been added.

The Applicants appreciate the indication on p.2 of the Office Action that claims 6, 7 and 15-20 would be allowable if rewritten in independent form.

**Claims 1-5 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (U.S. Patent No. 2,733,885). (Office Action, p. 2)**

Brown et al. disclose a holder for a thermometer comprising a telescoping tube with a spring therein. (col. 1, l. 15-21). The thermometer holder includes a plurality of telescopic sections with a plug at one end and a retaining disc at the opposite end. The ends of a bolt may be threaded into both the plug and the disc for retaining the telescoping sections collapsed against the tension of a spring, which urges the holder to an extended position. (col. 1, l. 47-57)

According to Fig. 1, the end of the tubular section 10 is secured, such as by brazing or welding, in an annular recess 22 of the disc 16. The opposite end of the section 10 is crimped inwardly providing an annular flange 23 that co-acts with a rim 24 of section 11 to retain the parts in assembled relation. The section 11 is provided with a similar annular flange 25 that co-acts with a rim 26 of the section 12 and the section 12 is provided with an annular flange 27 that coacts with a rim 28 on the inner end of the section 13. (col. 1, l. 69- col. 2, l. 10)

The thermometer holder of Brown et al. is *structurally different* from the beating appliance of the claimed invention. The beating device is closed at both ends by a head cap and an end member. (Claim 2, Spec., p. 9, l. 20- p. 10, l. 24, Figs. 5 and 6) Brown et al. nowhere discloses two closed ends. In contrast, Brown et al., discloses threaded bores 15, 17 at either end of the thermometer holder. (col., 1, l. 49, col. 2, l.-5)

Also, the beating device of the claimed invention has tubular members adjacent to each other that are brought into an extended state by connecting an inner peripheral surface of a large

diameter side tubular member to an outer peripheral surface of a small diameter side tubular member in taper-stacked states. (Claim 1) The edges of the claimed invention are held in the extended state by surface contact and the rugged fit. (Claim 1, Spec., p. 13, l. 2-4) Brown et al. does not at all disclose using surface contact to fit and secure the extended state. Brown et al. relies on the tension of spring 19 and annular flange to maintain an extended state.

Additionally, a projecting portion and a recessed groove can be provided on complementary inner and outer circumferential walls of each the head cap, the head member, the intermediate member, the grip member, and the end member. When two members come into contact, the projecting portion on one member fits into the recessed groove of the other member, creating an extended state. (Claim 3, Spec., p. 12, l. 12-p. 13, l. 6, Fig. 7) Brown et al. nowhere discloses a projecting portion/complementary recessed groove fitting system to maintain an extended state.

In the retracted state, the claimed invention has a locking feature *incorporated* into the head cap and the end member. The locking projecting portion of the head cap is screw-fitted to the locking portion of the end member. The head side of the intermediate member is locked by the head cap and the grip side of is locked by the end member. (Claim 3, Spec., p. 13, l. 9-23) Brown et al. nowhere discloses a self-locking feature in which a member is screw-fitted to another member to lock the thermometer holder into the retracted state. To lock the thermometer holder the ends of a bolt must be threaded into a plug and disk to retain the sections in a collapsed position against the resistance of the spring. (col. 1, l. 52-57)

Additionally, each member of the present invention, the head member, the intermediate member, the grip member are *shaped differently*. The head member, shown in Fig. 2, is a tubular member with a constant diameter at the end side 11a and a gradual tapered shape at the grip side 11b. (Spec., p. 8, l. 1-5) The intermediate member, shown in Fig. 3, is a tubular member with a diameter that reduces from the head side 21a to the grip side 21b. (Spec., p. 8, l. 12-15) The grip member, shown in Fig. 4, is a non-tapered tubular member in which a locking portion is extended of which the diameter of the end is large at the head side of the substrate portion 31 having an equal diameter in the longitudinal direction and a tapered shape. (Spec., p.

8, l. 26-p. 9, l. 8) Brown et al. does not disclose telescopic sections with different shapes as in the claimed invention.

It is impossible for Brown et al to legally anticipate the invention as now claimed. In view of the above amendment, applicants believe the pending application is in condition for allowance and requests the rejection be withdrawn.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Respectfully submitted,

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